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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of

Burbank et al.

For: **BREAST BIOPSY SYSTEM
AND METHODS**

Serial No.: 09/929,371

Filed: August 13, 2001

Atty. Docket No.: 9619-1001

) Examiner: Not Assigned

) Group Art Unit: 3736

) Confirmation No.: 2284

) Customer No.: 23422

) **RESPONSE TO NOTICE TO FILE**
) **CORRECTED APPLICATION PAPERS**

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

1. In response to the Notice to File Corrected Application Papers *Filing Date Granted* mailed on September 10, 2001, transmitted herewith is:

 X Part 2 of the Notice;

 X Copy of Postcard, Transmittal, and Abstract as originally filed 8/13/01;

 X Return Receipt Postcard.

2. Payment of Fees

 X No fee is due with this communication.

 X The Commissioner is authorized to charge any fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 13-0201, referencing Atty. Docket No. 9619-1001. **A duplicate copy of this transmittal is enclosed.**

By: _____

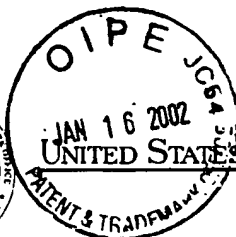
James A. Fox

Registration No. 38,455

CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8

I hereby certify that this paper is being deposited in the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Commissioner for Patents, Washington D.C. 20231, on 11/6/01, in Palo Alto, CA.

A. J. Miller

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/929,371	08/13/2001	Fred H. Burbank	26684-1001

RECEIVED

SEP 12 2001

HEWM LLP - P.A.

CONFIRMATION NO. 2284

FORMALITIES LETTER



OC000000006534235

 Edward J. Lynch
 Heller Ehrman White & McAuliffe LLP
 275 Middlefield Road
 Menlo Park, CA 94025-3506

Date Mailed: 09/10/2001

NOTICE TO FILE CORRECTED APPLICATION PAPERS***Filing Date Granted***

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

RECEIVED BY THE US PATENT AND TRADEMARK OFFICE:

File No. / Attorney: 26684-1001 ELJ/ JAF/MM
Inventors: Burbank, et al.
Title: Breast Biopsy System And Methods
Application No.: not assigned
Date Mailed: August 13, 2001
Documents: Transmittal for filing a Divisional Application (3 pages in duplicate); Original Non-provisional Application (27 pages, including 19 pgs. of description, 7 pgs. claims, and 1 pg. abstract, drawings 11 sheets); Declaration (3 pgs.); Revocation of Power & New Power (2 pgs.); Assignment document (13 pgs, including amendment); Preliminary Amendment (6 pgs.); Information Disclosure Statement & PTO form 1449(1 page IDS and 3 pgs. 1449); Check for \$355.00.

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BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, DC 20231

File: 26684-1001 EJL/amf

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COPY OF PAPERS
ORIGINALLY FILED

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of

Fred H. Burbank et al.

Serial No.: Not Assigned

Filed: August 13, 2001

For: **BREAST BIOPSY SYSTEM AND
METHODS**

Docket No.: 26684-1001

) Examiner: Not Assigned

) Group Art Unit: Not Assigned

) Customer No.: 25213

COPY

) **REQUEST FOR FILING A DIVISIONAL
APPLICATION UNDER 37 C.F.R. §1.53(b)**

Express Mail Label No.: EL 731 830 815 US

Mailed on: August 13, 2001

BOX PATENT APPLICATION

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

This is a request for filing a divisional application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 09/057,303, filed April 8, 1998, of Fred H. Burbank, Michael L. Jones, and Paul Lubock, for **BREAST BIOPSY SYSTEM AND METHOD**.

1. Enclosed is a true copy of the prior complete application as filed, including the specification (including claims), drawings, oath or declaration showing the signature or an indication it was signed, and any amendments referred to in the oath or declaration filed to complete the prior application.
2. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above. With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. § 120, the inventor(s) in this application is (are):

/X/ the same.

/ / less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

3. /X/ The filing fees are to be calculated on the claims as filed in the prior application and the claims remaining as a result of the:

/X/ amendment below; and

/X/ attached Preliminary Amendment.

FILING FEE CALCULATION

Description	Claims	Extra	Rate	Fee Code	Fee
Basic Filing Fee				201	\$355
Independent Claims	3 - 3 =	0 x	\$40 =	202	0
Total Claims	17 - 20 =	0 x	\$ 9 =	203	0

Total Filing Fee \$355

4. Payment of Filing Fees:

/X/ A check in the amount of \$355, is enclosed herewith.

/X/ The Commissioner is authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 and §1.17, to Deposit Account No. 08-1641, referencing Docket No. 26684-1001. **A duplicate copy of this paper is attached.**

5. Please amend the specification by inserting on before the first line --This application is a divisional of copending application Serial No. 09/057,303, filed April 8, 1998, which is hereby incorporated herein by reference.--.
6. Please cancel in this application claims 1-16, 29 and 34-39 from prior copending application Serial No. 09/057,303, filed April 8, 1998.
7. The prior application is assigned of record to: SenoRx, Inc.
8. The power of attorney in the prior application is to: Edward J. Lynch
- /X/ The power appears in the original papers in the prior application.
- / / A Power of Attorney and Revocation of Prior Powers is enclosed.

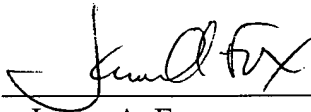
9. Please address correspondence in this matter to:

Edward J. Lynch
Heller Ehrman White & McAuliffe LLP
275 Middlefield Road
Menlo Park, CA 94025-3506

10. Documents enclosed:

- /X/ Enclosed is a true copy of the prior complete application as filed, including the specification (including claims), drawings, oath or declaration showing the signature or an indication it was signed;
- /X/ Preliminary Amendment;
- /X/ Information Disclosure Statement and Form PTO-1449;
- /X/ Check in the amount of \$355; and
- /X/ Return Receipt Postcard.

Respectfully submitted,

By: 
James A. Fox
Attorney for Applicants
Registration No. 38,455

Heller Ehrman White & McAuliffe LLP
275 Middlefield Road
Menlo Park, CA 94025-3506
Contact Edward J. Lynch
Direct Dial: (650) 324-7098
Telephone: (650) 324-7000
Facsimile: (650) 324-0638